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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Chester, Virginia)

)
)
)
)
)

MM Docket No. 93-310
RM-8395

TO: Chief, Allocations Branch

**SUPPLEMENTAL PROPOSAL OF
HOFFMAN COMMUNICATIONS, INC.**

On behalf of Hoffman Communications, Inc. ("Hoffman"), licensee of WDYL(FM), Chester, Virginia, and the petitioner in the captioned proceeding, we hereby submit this Supplemental Proposal in that proceeding, requesting the allotment of Channel 226A to Ettrick, Virginia, as that community's first local broadcast outlet. Hoffman will apply for this channel, if allotted.

Technically, this Supplemental Proposal does not constitute a "counterproposal" to the captioned proceeding, since it is both consistent with and contingent upon the grant of Hoffman's proposal to substitute Channel 289A for Channel 226A at Chester, Virginia, and to modify the license of WDYL(FM) to specify operation on Channel 289A. However, Hoffman is submitting this Supplemental Proposal in the event that any counterproposals are filed in this proceeding that would propose leaving WDYL(FM) on Channel 226A. If any such counterproposals are filed, the Commission should consider both of Hoffman's proposals together in determining how the public interest would best be served. If Hoffman were to wait until after February 18, 1994 to file this Supplemental Proposal, it would be precluded

by Commission rules from offering it as an alternative to any counterproposal filed by the February 18 comment cut-off date. If no counterproposals are filed by February 18, 1994, Hoffman will dismiss this Supplemental Proposal and refile it as an original Petition for Rulemaking as soon as it is legally feasible to do so, following Commission grant of the captioned rulemaking proposal for Chester, Virginia.

As indicated in the attached Technical Exhibit prepared by Jefferson G. Brock of Graham Brock, Inc., Channel 226A can be allotted to Ettrick, Virginia at reference coordinates 37° 17' 53" North Latitude and 77° 32' 53" West Longitude, with a site restriction of 13.7 km northwest of the community. This proposed station would provide 1.0 mV/m service to 447,948 persons. As indicated in Hoffman's Petition for Rulemaking, the proposed substitution of Channel 289A for Channel 226A at Chester, Virginia would provide service to an increase of 131,825 persons from Hoffman's currently licensed facilities for WDYL(FM) on Channel 221A and to an increase of 242,955 persons from Hoffman's authorized facilities on Channel 226A.¹ Thus, the grant of both of Hoffman's proposals together would allow for new service to be provided to a total of 690,903 persons from Hoffman's currently authorized facilities (and to 579,773 persons from Hoffman's currently licensed facilities).

Accordingly, for the foregoing reasons, we hereby request the Commission to substitute Channel 289A for Channel 226A at Chester, Virginia, as proposed in the captioned proceeding, and to allot the vacated Channel 226A to Ettrick, Virginia as proposed herein.

¹WDYL(FM) was ordered from Channel 221A to Channel 226A pursuant to MM Docket No. 90-67, 6 F.C.C. Rcd. 4917 (1991), causing a resulting loss in service to 111,130 persons (from 542,158 to 431,028 persons).

Hoffman hereby states for the record that it fully intends to apply for, promptly construct and operate both stations, if allotted.

Respectfully submitted,

HOFFMAN COMMUNICATIONS, INC.

By: 
David M. Silverman

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Suite 200
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Its Attorneys

February 18, 1994

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TECHNICAL COMMENTS
HOFFMAN COMMUNICATIONS, INC.
MM DOCKET #93-310
CHESTER, VIRGINIA
February 1994

TECHNICAL EXHIBIT

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TECHNICAL COMMENTS
HOFFMAN COMMUNICATIONS, INC.
MM DOCKET #93-310
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TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of Hoffman Communications, Inc. ("Hoffman"), licensee of station WDYL, Channel 221A, Chester, Virginia. Hoffman is also the petitioner in MM Docket #93-310 and seeks the substitution of Channel 289A for Channel 226A at Chester, Virginia. The technical data relating to the proposed allotment of Channel 289A at Chester was included in the original Hoffman request and is incorporated herein by reference.

2. Hoffman reiterates its desire to substitute channels at Chester, Virginia, since it will allow WDYL to not only maintain its present 1.0 mV/m coverage, but enable it to operate as a maximum Class A facility with 6.0 kilowatts. When Channel 289A is allotted to Chester, Hoffman will file an application seeking authority to operate on Channel 289A, in lieu of Channel 221A (or 226A).

1) In MM Docket #90-67 the Commission substituted Channel 226A for Channel 221A at Chester, Virginia. WDYL presently is operating on Channel 221A.

SUPPLEMENTAL REQUEST

3. As a supplement to its request, Hoffman herein requests that once Channel 226A is deleted from Chester, Virginia, that it be allotted to Ettrick, Virginia, as that village's first local broadcast outlet.² Ettrick is located in southern Chesterfield County and is listed in the 1990 U.S. Census as a "Census Designated Place" with a population of 5,290 persons. Ettrick contains numerous residential areas and businesses and is the home of Virginia State University. Ettrick has its own post office. Ettrick presently has no locally licensed broadcast outlets.

4. Channel 226A can be allotted to Ettrick, Virginia, at reference coordinates North Latitude 37° 17' 53" and West Longitude 77° 32' 53". This represents a site restriction of 13.7 kilometers northwest of the community. From this location, a 3.16 mV/m contour will be delivered to Ettrick. Exhibit #1 shows the usable area for Channel 226A at Ettrick. Exhibit #2 is a Channel 226A spacing study which demonstrates that the channel meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities (with the exception of WDYL, as noted above).

2) This request is made only if there is no other expression of interest in the retention of Channel 226A at Chester, Virginia. As noted in the original petition, Channel 226A is available for use in Chester for other expressions of interest.

5. Therefore, Hoffman Communications, Inc., requests the following changes to §73.202(b) of the Commission's rules:

Chester, Virginia

Present	Proposed
226A	289A

Ettrick, Virginia

Present	Proposed
None	226A

PUBLIC INTEREST ASPECTS

6. As noted in Hoffman's original request, the allotment of Channel 289A to Chester, Virginia, will enable WDYL to maintain or improve its presently licensed Class A facility coverage (on Channel 221A), over that which could be achieved on Channel 226A. The proposed change at Chester, Virginia, would enable WDYL to provide service to 673,983 persons.³ This represents an increase of 131,825 persons as compared to the presently licensed facility.

3) Based on a maximum Class A facility operating at the Channel 289A reference site.

7. Further, the removal of Channel 226A from Chester, Virginia, would enable its allotment to Ettrick, Virginia, as that community's first local broadcast outlet. From the proposed reference site (for Channel 226A at Ettrick), the facility could provide 1.0 mV/m service to 447,948 persons.

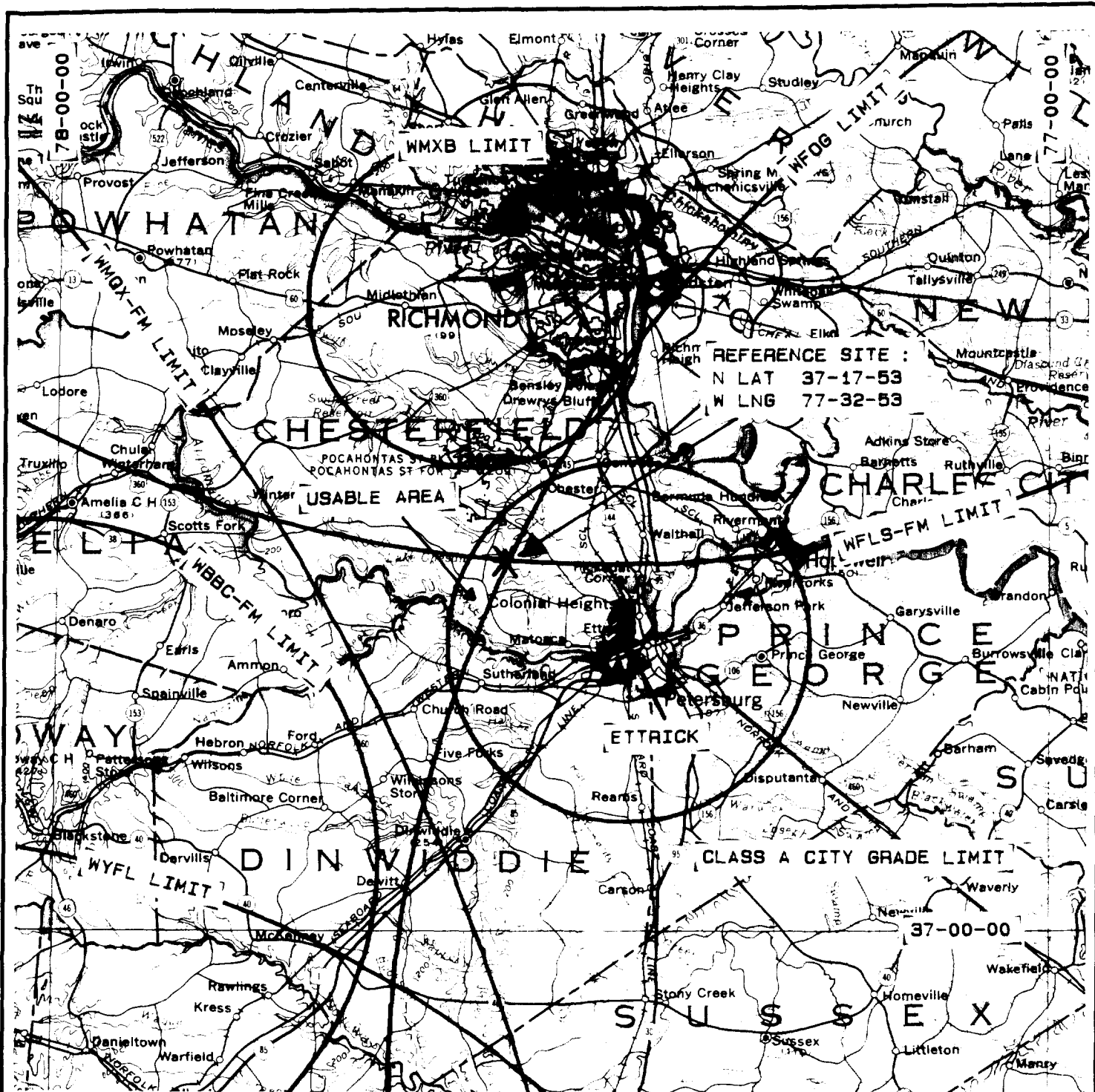
8. Therefore, adoption of the Hoffman request will enable the improvement of WDYL to a maximum Class A facility, without the loss it would suffer if it were to commence operation on Channel 226A at Chester.⁴ Further, it would provide for the allotment of Channel 226A to Ettrick, Virginia, as first service. When considered together, 579,773 persons would receive new service as a result of the granting of these requests.

9. Once Channel 289A is allotted to Chester, Virginia, Hoffman will file FCC Form 301 to make minor changes in the facilities of WDYL to specify operation on Channel 289A at Chester. In addition, when the Commission allots Channel 226A to Ettrick, Virginia, Hoffman will file an application requesting authority to construct a new FM station on Channel 226A at Ettrick, Virginia.⁵

4) See Technical Exhibit, Petition for Rule Making, RM# 8395, MM Docket #93-310, Paragraph 2 and 3.

5) While the 3.16 mV/m contour of WDYL in Chester may overlap with the hypothetical city grade contour of Channel 226A at Ettrick, Virginia, this matter would be addressed under §73.3555 of the Commission's rules when filing for the Ettrick channel.

10. The foregoing technical statement and attached exhibits were prepared on behalf of Hoffman Communications, Inc., by Graham Brock, Inc., its Technical Consultants. All of the information contained herein is true and accurate to the best of our belief and knowledge. Should question arise during consideration of these requests, we welcome the opportunity to discuss the matter at (912) 638-8028. All data relating to FM assignments and allotments was extracted from the NTIA database. We assume no liability for errors or omissions in that database which may be adverse to the requests contained herein.



USABLE AREA CHANNEL 226A

MAP IS A PORTION OF THE 1: 500, 000 SCALE
U.S.G.S. BASE MAP OF VIRGINIA.

MAP ASSUMES WDYL OPERATING ON CHANNEL
289A AT CHESTER, VIRGINIA.

SCALE 1: 500, 000

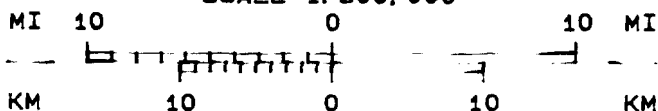


EXHIBIT #1

TECHNICAL COMMENTS
HOFFMAN COMM., INC.
MM DOCKET #93-310
CHESTER, VIRGINIA

February 1994

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

ALLOCATION STUDY FOR ETTRICK, VIRGINIA
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE	CLASS A	DISPLAY DATES
37 17 53 N		DATA 11-24-93
77 32 53 W	Current rules spacings	SEARCH 02-16-94
----- CHANNEL 226 - 93.1 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WFOG	225B	Suffolk	VA	114.5	113.01	113.0	0.01
LI CN	36 52 35	76 23 28	50.000 kW	146M	70.2	70.2	
	Sunshine Wireless Company, Inc.				BLH-5624		
WFLSFM	227B	Fredericksburg	VA	4.9	113.03	113.0	0.03
LI CN	38 18 46	77 26 20	50.000 kW	150M	70.3	70.2	
	Free Lance-Star Publishing Co.				BLH-880809LD		
WMXB	279B	Richmond	VA	353.8	23.51	15.0	8.51
LI CY	37 30 31	77 34 37	20.000 kW	256M	14.6	9.3	
	Radio Ventures I, L.P.				BLH-831117BF		
WMQXFM	226C	Winston-Salem	NC	242.0	241.84	226.0	15.84
LI CY	36 16 33	79 56 27	100.000 kW	335M	150.3	140.5	
	Ebe Communications Limited				BLH-880310KA		
WBBCFM	228A	Blackstone	VA	237.2	49.97	31.0	18.97
LI CN	37 03 14	78 01 15	1.800 kW	113M	31.1	19.3	
	Blackstone Communications, Inc.				BLH-6866		
WYFL	223C	Henderson	NC	206.1	132.82	95.0	37.82
LI DEN	36 13 23	78 12 07	100.000 kW	311M	82.6	59.0	
	Bible Broadcasting Network, Inc.				BLH-870918KB		
WDLX	227C	Washington	NC	176.3	214.91	165.0	49.91
LI CN	35 21 55	77 23 38	100.000 kW	543M	133.6	102.6	
	Tar Heel Broadcasting System				BLH-791206AF		

CHANNEL 226A ALLOCATION STUDY

NOTE: THE STUDY ASSUMES THAT WDYL IS
OPERATING ON CHANNEL 289A AT
CHESTER, VIRGINIA.

EXHIBIT #2

TECHNICAL COMMENTS
HOFFMAN COMM., INC.
MM DOCKET #93-310
CHESTER, VIRGINIA

February 1994

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT


State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Hoffman Communications, Inc., licensee of Radio Station WDYL, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.


The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 16 day of February, 1994.



Jefferson G. Brock
Affiant

Sworn to and subscribed before
me this the 16 day of February, 1994.



Notary Public, State of Georgia
My Commission Expires: September 8, 1995